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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,827	07/06/2001	Scott G. Newnam	109779.130	9662
7590	09/19/2006		EXAMINER	
Michael A. Diener Hale and Dorr LLP 60 State Street Boston, MA 02109			DOAN, DUYEN MY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/899,827	NEWNAM ET AL.
Examiner	Art Unit	
Duyen M. Doan	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/06 has been entered. Claims 1-29 are amended for examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the previous interactive component", "remote client" There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recited, "the multi-episode content" and "the individual content" There is insufficient antecedent basis for this limitation in the claim.

Claims 1-22, 18, 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “remote users (plural form)” and later the applicant recites “the remote client (singular form)”. Examiner was not sure that what the applicant is referring to when claimed “remote client”. For the purpose of examination, Examiner assumes that when the “remote users” and “the remote client” are the same entity.

Claims 2-22 are depended on claim 1, therefore rejected for the same rationale.

Claims 18 recites “some content is provided to the clients during the event but prior to display during the event” examiner was not sure what applicant mean by this limitation, for the purpose of examination, examiner interprets the above limitation as follow “some content provide to client during the event but prior to display the event”.

Claim 23, applicant claimed “interactive content” and later the applicant claimed “content” only, Examiner was not sure that the “interactive content” and “content” are the same one. For the purpose of examination Examiner assumes that they are the same.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10,12-21,23,26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Iatropoulos et al (us 2002/0100039) (hereinafter Iatro).

As regarding claim 1, Iatro discloses a content creator that includes tools, responsive to inputs from a producer, for generating a client files to be provided to remote users prior to the broadcast event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, producing program to be display on client device, the program is interactive content), the client files including interactive components that are responsive to messages send from a server during the interactive event to cause the remote client to display the previously provided interactive components, that are indicated by messages (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, the program include show scheduling which is event with duration, the linker merges the commercial, poll with each show or program), and a server-based user interface, generated prior to the broadcast event, that display a representation of individual components that are to be displayed during the interactive event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F), the user interface for causing messages to be provided to remote clients during the interactive event to control the display of previously provided content on the remote clients during the event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 2, Iatro discloses the user interface is responsive to the producer for causing messages to be sent from the server to the client to cause previously transmitted content to be displayed at the client side (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056).

As regarding claim 3, Iatro discloses the user interface is responsive to the producer for receiving content during interactive event and for causing that content to be displayed at the remote client (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056).

As regarding claim 4, Iatro discloses the content creator is used to create polls such that during creation of a poll, a representation indicating that the poll is to be displayed is created for display on the user interface (see pg.1, par 0015; pg.2, par 0022,0023,0026).

As regarding claim 5, Iatro discloses the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the server-base user interface (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 6, Iatro discloses the content creator has fields for designating a time during the event for when specified content will be displayed (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 7, Iatro discloses the event is a broadcast program, and the timing is based on the beginning of a segment of the broadcast program (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 8, Iatro discloses the technical director with software interface that allows the producer to override the designated time or displaying content (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 9, Iatro discloses the user interface stores content created in real time during the event and causes the server to transmit that content to the clients (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 10, Iatro discloses the server sends messages to the client using an Internet protocol (see pg.1, par 0015; pg.2, par 0022,0023,0026).

As regarding claim 12, Iatro discloses the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 13, Iatro discloses the first program also allows the producer to create a look and feel for multiple events (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 14, Iatro discloses the content creator further includes a second program that receives from the first program the types of items of interactive functionality, the second program being used to enter quantities and the content for each item (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 15, Iatro discloses the content entered for each piece of content is used to generate files for transfer to a client (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 16, Iatro discloses the content creator creates the user interface using the quantity of items and content of the items of interactive functionality (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 17, Iatro discloses the client files allow some interactive components to be provided to the remote clients before the event, and the content creator allows other interactive components to be provided during the event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F, the program include show scheduling which is event with duration, the linker merges the commercial, poll with each show or program).

As regarding claim 18, Iatro discloses some content is provided to the clients during the event but prior to display during event (see pg.1, par 0015; pg.2, par

0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F, the program include show scheduling which is event with duration, the linker merges the commercial, poll with each show or program).

As regarding claim 19, Iatro discloses some content is provided to the clients during the event for immediate display during the event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 20, is a combination of claim 17-19 above, rejected for the same rationale as claim 17-19 above.

As regarding claim 21, Iatro discloses the client file is transferred to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 23, Iatro discloses an authoring system for creating interactive content to be sent to remote viewers during a broadcast event, the system including a user interface with different types of interactive functionality (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F), including one or more of polls, facts and trivia questions, the system responsive to user inputs for selecting from among a plurality of types of interactive functionality to create interactive functionality and further

responsive to user inputs for entering and scheduling content for each of a number of the selected items of interactive functionality (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F), the system creating a server-based graphical user interface showing representations of each item of content scheduled to be displayed during the broadcast event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 26, the user interface indicates interactive functionality available during an event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 27, Iatro discloses wherein the interactive functionality includes the ability of one viewer to communicate with another viewer or with a producer of the event (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 28, Iatro discloses the items of content are sent to a client in advance of the broadcast event, and the server causes messages to be provided to cause items of content to be displayed in response to the messages (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

As regarding claim 29, Iatro discloses the server based user interface is responsive to inputs to cause previously sent content to be displayed (see pg.1, par 0015; pg.2, par 0022,0023,0026; pg.3, par 0027-0029,0031,0042; pg.4, par 0047-0051,0053; pg.5, par 0056, also see figure 3 A-F).

Claims 11, 22,24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iatropoulos et al (us 2002/0100039) (hereinafter Iatro) in view of what was well known in the art.

As regarding claim 11, 24-25 Iatro discloses the invention substantially as rejected in claims 1 and 23 above, but does not explicitly disclose using icons to representing content.

Official Notice is taken (see MPEP 2144.03) using icons to representing content is well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art to use icons to represent content, because it would provide user friendliness of graphical user interface.

As regarding claim 22, Iatro discloses the invention substantially as rejected in claim 1 above, but does not explicitly disclose chat functionality.

Official Notice is taken (see MPEP 2144.03) chat functionality is well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art to have chat functionality, because chat system would provide instant view of the content, thus allow user interactively responses to the data during the broadcast event.

***Response to Arguments***

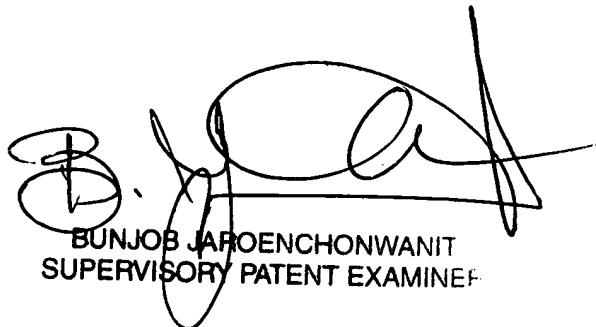
Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143



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SUPERVISORY PATENT EXAMINER